

**Planning and Zoning Commission Meeting
Minutes of August 1, 2007**

Work Session (1st Floor; Public Works) – 4:00 PM

The Commission and staff reviewed the agenda. There was some discussion regarding the Stormwater Ordinance and the requested presentation before City Council. The Commission indicated that they would like to add this item to their Work Session in September for further discussion.

Regular Session (1st Floor; Public Works) – 5:00 PM

Call to Order: Chairman Byers called the meeting to order at 5: 01 PM.

Attendance:

Members Present:

Member(s) Absent:

Tom Byers, Chair

Steve Sizemore, Vice-Chair

Buzzy Cannady

Darryl Hart

Jerome Jones

Cindy Weeks

David Young

Mr. Byers called for action on the minutes of July 12, 2007. A motion by Mr. Jones to approve the minutes was seconded by Ms Weeks; the motion was approved unanimously (7-0).

Mr. Byers reviewed the agenda and the public hearing procedures. He noted that the Conditional Zoning review for Anderson Nissan located at 641 at Brevard Road, the initial zoning for 2345 Hendersonville Road and the River District Wording Amendment were recommended for continuance to September 5, 2007. A motion by Mr. Sizemore to grant continuances was seconded by Mr. Cannady; the motion was approved unanimously (7-0).

Regarding the first item of the agenda, Clingman Avenue variance consideration, Ms. Weeks was recused by a motion from Mr. Sizemore with a second by Mr. Cannady; the motion was approved unanimously (6-0).

Agenda Item	
Consideration of variances to the design and operational standards as required in the Urban Residential Zoning District, per Section 7-8-24(f) (12) of the UDO, for a 21-unit condominium development project identified as Clingman Lofts, located on Clingman Avenue . PIN 9648.05-08-52296.	
Staff Comments	Shannon Tuch swore in audience members who planned to speak about this project. Jessica Levensgood oriented the Commission and audience to the site location

	and provided the staff report. She answered Commission questions.
Public Hearing Opened	5:13 PM
Applicant(s)/Applicant Representative(s)	Scott Dedman of MHO – Stated that the majority of units will meet affordability requirements; the balconies at four feet in width will be better used. The URD contemplated commercial on the first story so an all residential building does not need the same fenestration requirements.
Public Comments	
Speaker Name	Issue(s)
The following persons spoke:	Pattiy Torno – WECAN Association President; Supports the project and the variance request; feels the design supports better community interaction and is safer.
Public Hearing Closed	5:19 PM
Commission Comments/Discussion	
The Commission discussed the project and noted that the standards fit most projects; the variance is appropriate in other situations They expressed appreciation of the good work that MHO does.	
Commission Action	
On motion by Mr. Hart, with a second by Mr. Sizemore, the Commission voted to recommend approval. The motion was approved unanimously 6-0. (Ms. Weeks was recused).	

Agenda Item	
Level III site plan for the project identified as The Ellington Hotel , located on Biltmore Avenue, Aston Place, and S. Lexington Avenue. The proposed development will include 125 hotel rooms and 52 residential condominiums. The project is seeking modifications to setback standards (UDO 7-8-18-f5), and design and operation standards (UDO 7-8-18-f13) and landscape standards (UDO 7-11-2). PINs 9648.06-49-2618, 2704, 2758, 3715 and 3712, five parcels. This additional parcel, identified as PIN 9648.06-49-3500, owner: King James Properties, will be used for construction staging. This project affects Biltmore Avenue, Aston Street and Lexington Avenue.	
Staff Comments	Alan Glines oriented the Commission and audience to the site location and provided the staff report. He answered Commission questions regarding drive entrances (parking garage) and cross street; height on Biltmore vs. Lexington as compared to the BB & T Building; TRC asked for sidewalks to stay open, parking traffic flow and sight triangles, on-street parking, and demolition of historic structure.
Public Hearing Opened	5:46 PM
Applicant(s)/Applicant Representative(s)	Mike Webster – introduced the project team. Gary Koerner - Architect; made the presentation of the proposed project. Mike Webster - reviewed the traffic related issues. Tom Abbott (GPI) - discussed the economic impact of the project. Steve McManus - reviewed the plan for contribution to the housing fund to support the work force housing; he stated that 1.25% of the sale price goes to the fund for the initial sale, and then drops to ½% for sales after that.

The following persons spoke:	
Jane Murray (Jr. League)	<ul style="list-style-type: none"> • concern for the common wall during construction; • protection for adjacent properties; • monetary impact due to loss of business during construction; • loss of parking; • access and function to the alley; • water lines and possible lost of service; • need for (business) neighborhood liaison;
Jake Quinn	<ul style="list-style-type: none"> • expressed concern for scale and style; • height concern; • shuttling of employees; • traffic on Biltmore; • lack of work force housing; • value of Boutique Hotel to Asheville;
Elaine Lite	<ul style="list-style-type: none"> • conflict with pedestrians and bicyclist;
Kim McQueen	<ul style="list-style-type: none"> • spoke about the need for density, especially downtown; • indicated this is a positive impact on pedestrian environment; • stated this is a nice contribution to workforce housing;
Bob Malkin	<ul style="list-style-type: none"> • expressed his concern for the misrepresentation of height;
David Craig Starkey- Asheville Lyric Opera)	<ul style="list-style-type: none"> • indicated the need for positive growth to support a cultural community;
Julie Brandt	<ul style="list-style-type: none"> • felt this is not an appropriate location-result in traffic degradation; • noted her opinion of the lack of parking; • requested the need for a 'No Left Turn' sign on Biltmore; • expressed that this has impact on the historic character (National Historic District); • expressed her concern of the lack of landscaping plans;
Joel Bassett	<ul style="list-style-type: none"> • noted the construction impact – disruption of business; • stated that Smart Growth doesn't work unless we control growth outside of city;
Pam Myers	<ul style="list-style-type: none"> • was pleased that the project supports local arts community;

Anne McMartin	<ul style="list-style-type: none"> stated that this development does not fit in;
Mike Webster	<ul style="list-style-type: none"> addressed concerns regarding safety and welfare; he acknowledged some impact on sidewalk and street closures and possible disruption of business; regarding comments about height, he showed comparison to others;
Gary Koerner	<ul style="list-style-type: none"> noted this is an Asheville landmark building and that construction will last approximately 24 months
Public Hearing Closed	6:59 PM
Commission Comments/Discussion	
<p>The Commissioners discussed the concern about traffic and the impact on adjacent buildings (specifically the Junior League Building) and expressed an interest in the “No Left Turn” sign. Ken Putnam indicated that the sign would likely be ignored. He acknowledged the congestion on Biltmore Avenue caused by unloading trucks, Pack Square construction, location of the stop bar, etc., however, does not think the DOT improvements and Pack Square construction will help; he indicated that we can regain some on-street parking elsewhere. Ken Putnam reviewed the possibility of making part of College Street a two-way street which will help circulation around Pack Square. As a condition, he would like an Ombudsman to communicate with the business community. The Commission expressed an appreciation of the design and program of the project and the contribution to the work force housing fund.</p>	
Commission Action	
<p>On motion by Mr. Jones, with a second by Mr. Sizemore, the Commission voted to recommend approval. The motion was approved unanimously 7-0.</p>	

Agenda Item	
<p>Consideration of the Conditional Zoning request for the project located at 919 Haywood Road. The request seeks the rezoning from INST (Institutional) district to UP CZ (Urban Place Conditional Zoning) district for a mixed-used development. The project is also seeking modifications for landscape requirements (UDO 7-11-2), building setbacks (UDO 7-8-26-f5), and sidewalk standards (UDO 7-8-26-f10). The project is also seeking a variance to design and operation standards (UDO 7-8-26-f12). The properties are identified in the Buncombe County tax records as PINs 9628.12-96-8072, 9628.12-95-8963, 9739, and 9638.09-06-0030.</p>	
Staff Comments	<p>Alan Glines oriented the Commission and audience to the site location and provided the staff report. He answered Commissioners questions regarding variances, building types and building orientation.</p>
Public Hearing Opened	7:57 PM
Applicant(s)/Applicant Representative(s)	<p>Tony Houser - Ambient Design Group; reviewed the PowerPoint presentation (including a section-up 3D fly-through). He solicited input from the community. Questions were answered about the buildings, prices, site grade, driveway angles and possible future</p>

	traffic calming measures.
Public Comments	
Speaker Name	Issue(s)
The following persons spoke:	None
Public Hearing Closed	8:03 PM
Commission Comments/Discussion	
None	
Commission Action	
#1 On a motion to approve the Conditional Zoning by Mr. Jones, with a second by Ms. Weeks, the Commission voted to recommend approval. The motion was approved unanimously 7-0.	
#2 On a motion to approve the Variance by Ms. Weeks, with a second by Mr. Young, the Commission voted to recommend approval. The motion was approved unanimously 7-0.	

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville regarding Section 7-5-5 (j) Conditional Use approvals. The amendment proposes a revision to increase the amount of time a permit is valid for a Conditional Use Permit.

Kim Hamel presented the wording amendment staff report to the Commission.

Mr. Byers opened the public hearing at 8:10 PM.

Mr. Byers closed the public hearing at 8:10 PM

Ms. Weeks moved to recommend approval of the item; the motion was seconded by Mr. Hart and carried unanimously (7-0).

Mr. Sizemore asked staff to consider the wording amendment to adjust fenestration standards for the Urban Place and Urban River Districts; Ms. Tuch noted that staff has already identified the needed change and has it on a list of various housekeeping amendments.

Mr. Oast instructed the Commission about the need for a 4/5th vote (which would be 6 out of 7 members). Mr. Oast will draft a new rule addressing this issue.

Mr. Byers announced there will be no Mid Month meeting in August.

The Commission meeting was adjourned by consent at 8:14 PM.